

§ 4.40–30 Procedures for Coast Guard investigation.

(a) The Coast Guard conducts an investigation under § 4.40–25 using the procedures in 46 CFR 4.01–1 through 4.23–1.

(b) The Board may designate a person or persons to participate in every phase of an investigation, including an on scene investigation, that is conducted under the provisions of subpart 4.40–25 of this part.

(c) Consistent with Coast Guard responsibility to direct the course of the investigation, the person or persons designated by the Board under paragraph (b) of this section may:

(1) Make recommendations about the scope of the investigations.

(2) Call and examine witnesses.

(3) Submit or request additional evidence.

(d) The Commandant provides a record of the proceedings to the Board of an investigation of a major marine casualty under paragraph (a) of this section.

(e) The Board, under the Act, makes its determination of the facts, conditions, circumstances, and the cause or probable cause of a major marine casualty using the record of the proceedings provided by the Commandant under paragraph (d) of this section, and any additional evidence the Board may acquire under its own authority.

(f) An investigation by the Coast Guard under this section is both an investigation under the Act and under 46 U.S.C. Chapter 63.

[CGD 76–149, 42 FR 61200, Dec. 1, 1977, as amended by CGD 95–028, 62 FR 51195, Sept. 30, 1997; USCG–2004–18884, 69 FR 58341, Sept. 30, 2004]

§ 4.40–35 Records of the Coast Guard and the Board.

(a) Records of the Coast Guard made under § 4.40–30 are available to the public under 49 CFR part 7.

(b) Records of the Board made under §§ 4.40–20 and 4.40–30 are available to the public under 49 CFR part 801.

PART 5—MARINE INVESTIGATION REGULATIONS—PERSONNEL ACTION**Subpart A—Purpose**

Sec.

5.3 Purpose of regulations.

5.5 Purpose of administrative actions.

Subpart B—Definitions

5.11 Officer in Charge, Marine Inspection.

5.15 Investigating Officer.

5.19 Administrative Law Judge.

5.27 Misconduct.

5.29 Negligence.

5.31 Incompetence.

5.33 Violation of law or regulation.

5.35 Conviction for a dangerous drug law violation, use of, or addiction to the use of dangerous drugs.

Subpart C—Statement of Policy and Interpretation

5.51 Construction of regulations.

5.55 Time limitations for service of a complaint.

5.57 Acting under authority of license, certificate or document.

5.59 Offenses for which revocation of licenses, certificates or documents is mandatory.

5.61 Acts or offenses for which revocation of licenses, certificates, or documents is sought.

5.65 Commandant's decisions in appeal or review cases.

5.67 Physician-patient privilege.

5.69 Evidence of criminal liability.

5.71 Maritime labor disputes.

Subpart D—Investigations

5.101 Conduct of investigations.

5.103 Powers of investigating officer.

5.105 Course of action available.

5.107 Service of complaints.

Subpart E—Deposit or Surrender of License, Certificate or Document

5.201 Voluntary deposits in event of mental or physical incompetence.

5.203 Voluntary surrender to avoid hearing.

5.205 Return or issuance of a license, certificate of registry, or merchant mariners document.

Subpart F—Subpoenas

5.301 Issuance of subpoenas.

5.303 Service of subpoenas on behalf of the respondent.

5.305 Quashing a subpoena.

5.307 Enforcement.